

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

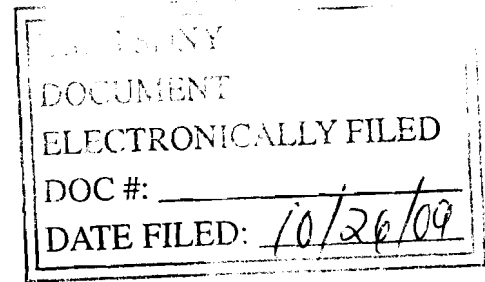
OLAES ENTERPRISES, INC. d/b/a ODM,

Plaintiff,

-against-

A.D. SUTTON & SONS, INC. et al.,

Defendants.



09 Civ. 8680 (CM)(PED)

ORDER GRANTING MOTION TO WITHDRAW

McMahon, J.:

The Court has received and reviewed the motion to withdraw as counsel filed by the Jonathan P. Harvey Law Firm, PLLC. The Court has also reviewed the consents to the motion filed by a number of the Harvey Firm's clients as well as the opposition filed by three clients. The court also takes note of the fact that plaintiff, which initially opposed the motion, has sent a letter withdrawing its opposition, although it seeks the imposition of appropriate conditions.

All of the objections filed to date (including plaintiff's now-withdrawn objection) concern the delay that will be caused by substituting counsel. The Court concludes that, in the circumstances, delay is not a sufficient reason to deny the motion. As the claims against the licensees (which were originally asserted as counterclaims) have been severed from claims against the principal counterclaim defendants, the court can schedule matters so as to alleviate any prejudice that may result from the need to integrate new counsel into these proceedings.

Sufficient cause being found therefore, it is hereby

ORDERED that JONATHAN P. HARVEY LAW FIRM, PLLC, is granted leave to withdraw as counsel to the defendant licensees in this action. The court sees no basis to impose any conditions on the firm's withdrawal.

IT IS FURTHER ORDERED that Defendants, and each of them, have 60 days to appear by new counsel. Defendants are reminded that corporations cannot litigate pro se; they must be represented by counsel.

This action remains stayed in all respects until January 8, 2010, at which time all counsel shall appear at 11:00 A.M. for a pre-trial conference at the United States Court House in White Plains, New York. The conference will take place in Courtroom 620.

Finally, counsel are advised that the Clerk of the Court was unable to deal with my suggestion for a new docket number for this action and so has assigned this matter the docket number 09 Civ. 8680 (CM)(PED). Please use this docket number on all future filings and correspondence with the court.

Dated: October 26, 2009



U.S.D.J.

BY ECF TO ALL COUNSEL
BY FAX TO MAGISTRATE JUDGE DAVISON